

ENTERED

October 02, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

§
John Mina-Gonzalez,
§
Defendant-Petitioner, § Crim. Action No.
v. § 4:19-cr-00299-3
United States of America, § Civil Action No.
Plaintiff-Respondent. § 4:22-cv-01728
§
§

ORDER ADOPTING RECOMMENDATION OF THE MAGISTRATE JUDGE

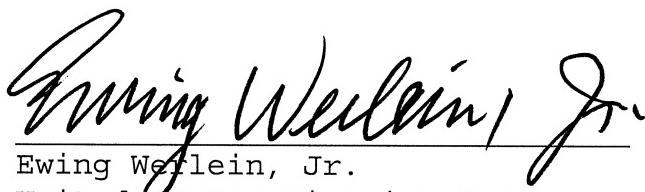
Pending are Petitioner John Mina-Gonzalez's motion to vacate, correct, or modify his sentence under 28 U.S.C. § 2255 (Civ. Document No. 1; Crim. Document No. 253) and Respondent's motion to dismiss (Civ. Document No. 8; Crim. Document No. 280). The Court has received from the Magistrate Judge a Memorandum and Recommendation (Civ. Document No. 9; Crim. Document No. 284) recommending that that Petitioner's motion be denied and Respondent's motion to dismiss be granted. No objections were filed.

The Court, after having made a *de novo* determination of the petition and the motion to dismiss, is of the opinion that the findings and recommendations of the Magistrate Judge are correct and should be and hereby are accepted by the Court in their entirety.

Accordingly, it is ORDERED and ADJUDGED for the reasons set forth in the Memorandum and Recommendation of the United States Magistrate Judge signed and filed on August 9, 2023 (Civ. Document No. 9; Crim. Document No. 284), which is adopted in its entirety as the opinion of this Court, that Respondent's motion to dismiss (Civ. Document No. 8; Crim. Document No. 280) is GRANTED and Petitioner's motion to vacate or set aside his sentence (Civ. Document No. 1; Crim. Document No. 253) is DENIED.

The Clerk will enter this Order and send copies to all parties of record.

Signed at Houston, Texas this 2nd day of October, 2023.



Ewing Werlein, Jr.
United States District Judge